

REMARKS

Upon entry of the present paper, Applicants will have elected, with traverse, Group I that includes claims 1-18.

In the outstanding Official Action, the Examiner indicated that the present application contains claims drawn to three inventions, as follows:

Group I Claims 1-18, drawn to apparatus of multi-air conditioner, classified in class 62, subclass 324.6.

Group II Claim 19, drawn to method of operation, classified in class 62, subclass 160.

Group III Claim 20 drawn to a method of operation classified in class 62, subclass 180

Applicants respectfully traverse the above Restriction Requirement and submit that it is inappropriate.

The Examiner has indicated that groups II and III are related to group I as process and apparatus for its practice.

For restriction to be proper between a process and apparatus for its practice, the Examiner must show that either: (A) the process as claimed can be practiced by another materially different apparatus or by hand; or (B) the apparatus as claimed can be used to practice another and materially different process.

Here the Examiner indicates that the air conditioner could be used with a constant speed fan; or an air conditioner without a heating electronic expansion valve.

In this regard, Applicants direct the Examiner's attention to claim 3 that recites a heating electronic expansion valve. Moreover, Applicants further direct the Examiner's

attention to claim 10 that recites a controller to that controls revolution times of the outdoor fan.

Thus, both group I and group II recite a heating electronic expansion valve; and both group I and group III recite controlling fan revolutions.

Thus, it is respectfully asserted that the process as claimed in claims 19 and 20 cannot be practiced by another materially different apparatus or by hand, and the apparatus as claimed in claims 1-18 cannot be used to practice another and materially different process for at least the reasons noted above.

The Examiner has indicated that group II and Group III are related as subcombinations usable together.

Applicants assert that these two claims are merely generic claims reciting different features of the same invention (See MPEP 806.05(d)(paragraph 2)). Moreover, U.S. patent practice encourages claiming different aspects of an invention.

Thus, it is respectfully asserted that the inventions of group II and III are not subcombinations useable together.

Moreover, the Restriction Requirement set forth by the Examiner omits one of the two criteria for a proper Restriction Requirement now established by the U.S. Patent and Trademark Office policy. As set forth in MPEP § 803 "an appropriate explanation" must be set forth by the Examiner as to the existence of a "serious burden" if the Restriction Requirement were not required.

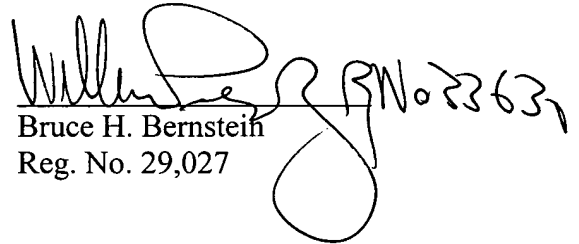
For all of these reasons, and consistent with the Office Policy as set forth in MPEP § 803, Applicants respectfully request that the Examiner reconsider the position taken in the above-mentioned Official Action and withdraw the Restriction Requirement

in the present application. Accordingly, the Examiner's Restriction Requirement is believed to be improper and has been traversed for the reasons set forth above.

Nevertheless, in order to be fully responsive, Applicants have elected with traverse the invention of Group I that includes claims 1-18 in the event that the Examiner chooses not to reconsider and withdraw the Restriction Requirement.

Should the Examiner have any questions or comments regarding the present response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Jong Han PARK et al.


Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191